

Chapter 130

PROCUREMENT, CONFLICT OF INTEREST

Section 130.010. Purchasing Agent Designated. [CC 1979 §23.010]

The City Collector is hereby designated as Purchasing Agent for the City. He/she, when authorized, shall procure for the City bids for supplies and services needed by the City in accordance with the procedures prescribed by this Chapter or required by law. Except as provided in this Chapter, it shall be unlawful for any City Officer or employee to order the purchase of any supplies or make any contract within the purview of this Chapter other than through the City Collector, and any purchase ordered or contract made contrary to the provisions hereof shall not be approved by City Officials, and the City shall not be bound thereby.

Section 130.020. Duties Generally. [CC 1979 §23.020]

- A. In addition to the purchasing authority conferred in the preceding Section, and in addition to any other powers and duties conferred by this Code or other ordinance, the Purchasing Agent shall:
1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
 2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
 3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and by private businesses and organization.
 4. Prepare, adopt and maintain a vendors' catalogue file. Said catalogue shall be filed according to materials and shall contain descriptions of vendors' commodities, prices and discounts.
 5. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts.
 6. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled.

7. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

Section 130.030. Requisitions and Estimates. [CC 1979 §23.030]

- A. Each City department head shall file with the Purchasing Agent detailed requisitions or estimates of his/her requirements in supplies and contractual services in such manner, at such times, and for such future periods as the City Collector shall prescribe.
 1. A City department head shall not be prevented from filing, in the same manner, with the City Collector at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
 2. The Purchasing Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality or estimated cost.

Section 130.040. Conflict of Interest. [CC 1979 §23.040]

No officer or employee of the City shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent or member, or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise which will create a substantial conflict between his/her private interest and the public interest; nor shall he/she or any firm or business entity of which he/she is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity which is licensed by or regulated in any manner by the City.

Section 130.050. Conflict of Interest—Officers and Employees Not To Deal With Certain Entities. [CC 1979 §23.050]

No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the officer or employee is or will be called upon to render a decision or pass judgment. If any officer or employee is already engaged in the business transaction at the time that a matter arises, he/she shall be disqualified from rendering any decision or passing any judgment upon the same.

Section 130.060. Conflict of Interest—Penalties. [CC 1979 §23.060]

Any person who violates the provisions of Section 130.040 or Section 130.050 shall, upon conviction thereof, be punished as provided in Section 100.220 of this Code.

Section 130.070. Gifts and Rebates. [CC 1979 §23.070]

The Purchasing Agent and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded any rebate,

gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. Violation of the provisions of this Section shall upon conviction thereof be punished as provided in Section 100.220 of this Code.

Section 130.080. Competitive Bidding Required. [CC 1979 §23.080]

All purchases of, and contracts for, supplies and contractual services in excess of two thousand dollars (\$2,000.00) and all sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids.

Section 130.090. Formal Contract Procedure. [CC 1979 §23.090]

All supplies and contractual services, except as otherwise provided in this Chapter, when the estimated cost thereof shall exceed five thousand dollars (\$5,000.00), shall be purchased by formal, written contract from the lowest responsible bidder after due notice inviting proposals. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed five thousand dollars (\$5,000.00), shall be sold by formal, written contract to the highest responsible bidder after due notice inviting proposals.

Section 130.100. Notice Defined. [CC 1979 §23.100]

A. The notice required by the preceding Section shall consist of the following:

1. Notice inviting bids shall be published once in at least one (1) official newspaper of the City and at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
2. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidders' List", which the Purchasing Agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
3. The Purchasing Agent shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall.
4. The Purchasing Agent shall also solicit sealed bids by:
 - a. Direct mail request to prospective vendors, and
 - b. By telephone

as may seem to him/her to be in the best interest of the City.

Section 130.110. Bid Opening Procedure. [CC 1979 §23.110]

Bids shall be submitted sealed to the City Collector and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be posted for public inspection.

Section 130.120. Lowest Responsible Bidder. [CC 1979 §23.120]

A. Contracts shall be awarded to the lowest responsible bidder. Bids shall not be accepted from, nor contracts awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining "lowest responsible bidder", in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid.

Section 130.130. Bids Accepted. [CC 1979 §23.130]

All bids shall be accepted or rejected by the Board of Aldermen.

Section 130.140. Tie Bids. [CC 1979 §23.140]

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local low bidder, the award shall be made on the basis of a drawing of lots, to be held in public.

Section 130.150. Open Market Procedure. [CC 1979 §23.150]

- A. All purchases of supplies and contractual services, and all sales of personal property which has become obsolete and unusable for which competitive bidding is not required by Section 130.080 of this Code, shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Section 130.090 for the award of formal contracts.
1. All open market purchases shall, whenever possible, be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 130.120.
 2. The City shall solicit bids by:
 - a. Direct mail request to prospective vendors,
 - b. By telephone, and
 - c. By public notice posted on the bulletin board of the City Hall.
 3. The City Collector shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection.

Section 130.160. Purchases By Department Heads. [CC 1979 §23.160]

Each department head shall have authority to make purchases up to the amount of five hundred dollars (\$500.00) in any one (1) month without the necessity of approval, if the item(s) is within the line item budget. Approval for purchases up to two thousand dollars (\$2,000.00) in any one (1) month may be obtained from any two (2) members of the Board of Aldermen or any one (1) member of the Board of Aldermen and the Mayor, if the item(s) is within the line item budget. Purchases exceeding these amounts must be approved by the Board of Aldermen.

Section 130.170. Emergency Purchases. [CC 1979 §23.170]

In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Board of Aldermen may authorize the purchase, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full explanation of the circumstance of an emergency purchase shall be recorded in the journal of the Board of Aldermen.

Section 130.180. Cooperative Procurement. [CC 1979 §23.180]

To the maximum extent practicable, the purchases of this City shall be made under the provisions of the Missouri State-Local Technical Services Act. The provisions of this Chapter requiring competitive bidding at the local level shall not apply to such purchases.